

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Irving Picard, Trustee for the Liquidation of Bernard L. Madoff
Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Baker & Hostetler, 45 Rockefeller Plaza, New York NY
10111, Attn Marc Hirschfield

DEFENDANTS

The Diana Melton Trust dated 12/05/05

ATTORNEYS (IF KNOWN)

Kachroo Legal Services, P.C. 245 Park Avenue, 39th Floor
New York, NY 10167, Attn Gaytri Kachroo

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Customer's Motion for Mandatory Withdrawal of the Reference pursuant to 28 U.S.C. 157(d)

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned Judge Rakoff

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT		PERSONAL INJURY		PERSONAL INJURY		[] 422 APPEAL 28 USC 158		[] 400 STATE REAPPORTIONMENT	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 620 OTHER FOOD &	[] 423 WITHDRAWAL	[] 410 ANTITRUST			
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 625 DRUG	[] 625 DRUG RELATED	28 USC 157	[] 430 BANKS & BANKING			
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL &	PERSONAL INJURY	[] 630 SEIZURE OF	[] 630 SEIZURE OF		[] 450 COMMERCE			
[] 140 NEGOTIABLE	SLANDER	PRODUCT LIABILITY	PROPERTY	PROPERTY		[] 460 DEPORTATION			
[] 150 RECOVERY OF	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL	21 USC 881	21 USC 881	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-			
INSTRUMENT	EMPLOYERS'	INJURY PRODUCT	[] 630 LIQUOR LAWS	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	ENCED & CORRUPT			
OVERPAYMENT &	LIABILITY	LIABILITY	[] 640 RR & TRUCK	[] 650 AIRLINE REGS	[] 830 PATENT	ORGANIZATION ACT			
ENFORCEMENT OF	[] 340 MARINE	PERSONAL PROPERTY	[] 660 OCCUPATIONAL	[] 660 OCCUPATIONAL	[] 840 TRADEMARK	(RICO)			
JUDGMENT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	SAFETY/HEALTH	SAFETY/HEALTH		[] 480 CONSUMER CREDIT			
[] 151 MEDICARE ACT	LIABILITY	[] 371 TRUTH IN LENDING	[] 690 OTHER	[] 690 OTHER	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV			
[] 152 RECOVERY OF	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL				[] 810 SELECTIVE SERVICE			
DEFAULTED	[] 355 MOTOR VEHICLE	PROPERTY DAMAGE	LABOR			[] 850 SECURITIES/			
STUDENT LOANS	PRODUCT LIABILITY	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 710 FAIR LABOR	[] 861 HIA (1395ff)	COMMODITIES/			
(EXCL VETERANS)	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	STANDARDS ACT	STANDARDS ACT	[] 862 BLACK LUNG (923)	EXCHANGE			
[] 153 RECOVERY OF	INJURY		[] 720 LABOR/MGMT	[] 720 LABOR/MGMT	[] 863 DIWC/DIWW (405(g))	[] 875 CUSTOMER			
OVERPAYMENT OF			RELATIONS	RELATIONS	[] 864 SSID TITLE XVI	CHALLENGE			
VETERAN'S BENEFITS			[] 730 LABOR/MGMT	[] 730 LABOR/MGMT	[] 865 RSI (405(g))	12 USC 3410			
[] 160 STOCKHOLDERS SUITS			REPORTING &	REPORTING &		[] 890 OTHER STATUTORY			
[] 190 OTHER CONTRACT			DISCLOSURE ACT	DISCLOSURE ACT	FEDERAL TAX SUITS	ACTIONS			
[] 195 CONTRACT PRODUCT			[] 740 RAILWAY LABOR ACT	[] 740 RAILWAY LABOR ACT	[] 870 TAXES (U.S. Plaintiff or	[] 891 AGRICULTURAL ACTS			
LIABILITY			[] 790 OTHER LABOR	[] 790 OTHER LABOR	Defendant)	[] 892 ECONOMIC			
[] 196 FRANCHISE			LITIGATION	LITIGATION	[] 871 IRS-THIRD PARTY	STABILIZATION ACT			
			[] 791 EMPL RET INC	[] 791 EMPL RET INC	26 USC 7609	[] 893 ENVIRONMENTAL			
			SECURITY ACT	SECURITY ACT		MATTERS			
						[] 894 ENERGY			
						ALLOCATION ACT			
						[] 895 FREEDOM OF			
						INFORMATION ACT			
						[] 900 APPEAL OF FEE			
						DETERMINATION			
						UNDER EQUAL ACCESS			
						TO JUSTICE			
						[] 950 CONSTITUTIONALITY			
						OF STATE STATUTES			

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

The Diana Melton Trust dated 12/05/05
c/o Kachroo Legal Services, P.C.
245 Park Avenue, 39th Floor
New York, NY 10167

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York, 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 12/20/13 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[X] YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code # 586261

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)